

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

| | | |
|--------------------------|---|-----------|
| AMY SCHRADER, |) | |
| |) | |
| Plaintiff, |) | 8:09CV33 |
| |) | |
| vs. |) | ORDER |
| |) | |
| HENNINGSSEN FOODS, INC., |) | |
| |) | |
| Defendant. |) | |
| |) | |
| DIANE MORBACH, |) | |
| |) | |
| Plaintiff, |) | 8:09CV170 |
| |) | |
| vs. |) | ORDER |
| |) | |
| HENNINGSSEN FOODS, INC., |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on the court's own motion and as discussed with counsel during a telephone conference on November 30, 2009. It has come to the court's attention that the above-captioned matters are related. The named defendant in these cases is the same. The court has reviewed the filings in these cases and it appears the cases may be consolidated, at least for discovery, pursuant to [Fed. R. Civ. P. 42\(a\)](#), as these cases are based on similar allegations. See [EEOC v. HBE Corp.](#), 135 F.3d 543, 551 (8th Cir. 1998). Upon consideration,

IT IS ORDERED:

1. ***Amy Schrader v. Henningsen Foods, Inc.***, 8:09CV33, and ***Diane Morbach v. Henningsen Foods, Inc.***, 8:09CV170 are hereby consolidated for purposes of discovery only. Consolidation for the purpose of trial shall be determined at a later date.
2. Counsel shall conduct discovery as if these are consolidated cases. All future filings related to discovery shall contain the consolidated case caption, which

appears on this order, and shall be served on counsel in the other cases as described below.

3. Case No. 8:09CV33 is hereby designated as the "Lead Case." Case No. 8:09CV170 is hereby designated as the "Member Case."

4. The court's CM/ECF System now has the capacity for "spreading" text among the consolidated cases. If properly docketed, the documents filed in the Lead Case will automatically be filed in all Member Cases. To this end, the parties are instructed to file all further documents (except those described in paragraph 5) in the Lead Case, No.8:09CV33, and to select the option "yes" in response to the System's question whether to spread the text.

5. The parties may not use the spread text feature to file complaints, amended complaints, and answers; to pay filing fees electronically using pay.gov; or to file items related to service of process.

6. If a party believes that an item in addition to those described in paragraph 5 should not be filed in all the consolidated cases, the party must move for permission to file the item in one or more member cases. The motion must be filed in all the consolidated cases using the spread text feature.

DATED this 1st day of December, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge